

### Remarks/Arguments

Claims 44-47 and 49-51 were pending in the instant application prior to the filing of the present Amendment and Response. In the Notice of Non-Compliant Amendment mailed November 12, 2009, the USPTO indicates that the listing of claims submitted with Applicant's response of May 14, 2009 does not include the text of all pending claims. Specifically, the examiner notes that Claim 48 is not listed. Applicants point out that claim 48 was previously cancelled without prejudice in the Amendment filed February 26, 2003. Nevertheless, Applicants herewith submit a new listing of claims identifying the proper status of Claim 48 as cancelled.

The listing of the claims included in this Amendment and Response serves to clarify the status of the pending claims. No new matter has been added. Applicants request that the amendments to the claims be entered in accordance with this Amendment and Response. The foregoing claim amendments should in no way be construed as an acquiescence to any of the Examiner's rejections and were made *solely* to expedite prosecution of the present application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

In addition to the Amendment and Response filed herewith, Applicants respectfully request that the Examiner consider the Remarks/Arguments presented in the Amendment and Response filed on May 14, 2009, herein incorporated by reference.

### CONCLUSION

All claims pending in this application are believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited.

The Commissioner is hereby authorized charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account 50-2387 (Attorney Docket No. 24126.001/ GNE-1618P2C46).

Respectfully submitted,

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